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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,589

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Frederic Beck

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FOLEY AND LARDNER LLP

SUITE 500

3000 K STREET NW

WASHINGTON, DC 20007

EXAMINER

CHENEVERT, PAUL A

ART UNIT

PAPER NUMBER

3612

MAIL DATE

DELIVERY MODE

09/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/588,589

**Applicant(s)**

BECK ET AL.

**Examiner**

Paul A. Chenevert

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7, 11, 14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 11, 14 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on 07AUG09 has been entered.

### ***Drawings***

2. The original drawings received on 04AUG06 are no longer objected after the cancellation of claim limitation "cylindrical peripheral surface" and claims 8 & 19 (the irreversibly removable snap-in connection).

### ***Specification***

3. The disclosure is objected to because of the following informalities: "disclosed" on line 2 of the Abstract should be changed to "described".

Appropriate correction is required.

***Claim Objections***

4. Claims 1, 7, 11, 14 & 18 are objected to because of the following informalities:
- a. Claim 1, line 14, “for locking the frame relative to the structural part, at least relative to a movement” should be changed to “for locking the frame to the structural part at least relative to a movement”.
  - b. Claim 1, line 17, “for locking the frame relative to the structural part, relative to a movement” should be changed to “for locking the frame to the structural part relative to a movement”.
  - c. Claim 1, line 18, “the plane,” should be changed to “the plane;”.
  - d. Claim 11, line 13, “for locking the frame relative to the structural part, at least relative to a movement” should be changed to “for locking the frame to the structural part at least relative to a movement”.
  - e. Claim 11, line 19, “for locking the frame relative to the structural part relative to a movement” should be changed to “for locking the frame to the structural part relative to a movement”.
  - f. Claim 11, line 20, “the plane,” should be changed to “the plane;”.
  - g. Claim 14, line 17, “for locking the frame relative to the structural part relative to a movement” should be changed to “for locking the frame to the structural part relative to a movement”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 7, 11, 14 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crotty, III (US 5,580,118; 03DEC96) in view of Gokuritsu (JP 2002-127819 A; 09MAY02).

Crotty, III discloses a sun visor (sun visor assembly 10) for use in a vehicle, comprising:  
a structural part (inner core member 16) having a first set of sliding elements (T-peg aligning elements 100, which are described as replacing aligning pegs 50, 51) disposed on a first side of the structural part;

a body part (rigid foundation 20 including a front flap section 24, a hinge section 26, and a back flap section 25) and a decorative material (upholstery material 22) overlying at least a portion of the first side of the structural part (the body part actually overlies all surfaces of the structural part); wherein the body part has a main extension direction substantially in a plane; wherein the body part has a second set of sliding elements (groove 106) configured to interconnect with the first set of sliding elements (100) to lock the body part to the structural part at least relative to a movement perpendicular to the plane, at least one of the first set of sliding elements and the second set of sliding elements being in the plane, the first set of sliding elements and the second set of sliding elements being arranged to be locked by a connecting movement of the body part relative to the structural part, the connecting movement being carried out in the plane and in a direction substantially tangential to the at least one main extension direction of the frame;

a frame (the unlighted mirror assembly illustrates a 'frame' and a mirror, but does not show how the assembly is attached to the rigid foundation as that is not pertinent to the invention of attaching the rigid foundation to the inner core member by a sliding aligning element) overlying the body part and decorative material, the frame having at least one main extension direction substantially in the plane; and

a mirror, the mirror having an edge region at least partially covered by the frame ('partially covered' is a broad enough term to comprise an item having a section above the mirror, wherein a section of the frame of Crotty, III 'partially covers' the mirror).

However, Crotty, III does not expressly disclose that the frame is locked to the structural part with at least one of the body part and the decorative material therebetween, at least relative to a movement perpendicular to the plane, at least one of the first set of sliding elements and the second set of sliding elements being in the plane, the first set of sliding elements and the second set of sliding elements being arranged to be locked by a connecting movement of one of the frame and the structural part, relative to the other, the connecting movement being carried out in the plane and in a direction substantially tangential to the at least one main extension direction of the frame; nor a snap-in connection provided between the frame and the structural part for locking the frame to the structural part relative to a movement in the plane. In other words, Crotty, III discloses a mirror assembly with a frame, but does not disclose that the sliding alignment elements could be employed to also attach the frame to the structural part.

Gokuritsu discloses a lamp for use in the roof liner in a vehicle, comprising:

a structural part (skeletal member 2) having a first set of sliding elements (third engagement means 8 including four tabs located in each corner of an opening 5) and a third set

of sliding elements (second engagement means 7); wherein both the first and third sets of sliding elements are disposed on a first side of the structural part;

a body part and a decorative material (roof trim 4) overlying at least a portion of the first side of the structural part;

a frame (10) overlying the body part and the decorative material, the frame having at least one main extension direction substantially in a plane, a second set of sliding elements (mounting means 13), and a fourth set of sliding elements (nail means 12); wherein both the second and fourth sets of sliding elements are configured to interconnect with the first and third sets of sliding elements (8, 7 respectively) to lock the frame to the structural part with the body part and the decorative material therebetween, at least relative to a movement perpendicular to the plane, at least one of the first and third sets of sliding elements and the second and fourth sets of sliding elements being in the plane, wherein the first set of sliding elements and the second set of sliding elements being arranged to be locked by a connecting movement of one of the frame and the structural part, relative to the other, the connecting movement being carried out in the plane and in a direction substantially tangential to the at least one main extension direction of the frame; and wherein the third set of sliding elements and the fourth set of sliding elements being arranged to be locked by a connecting movement of one of the frame and the structural part, relative to the other, the connecting movement being carried out in the plane and in a direction substantially tangential to the at least one main extension direction of the frame; and

a snap-in connection (nail means 11 engaging first engaging means 6) provided between the frame (10) and the structural part (2) for locking the frame to the structural part relative to a movement in the plane.

It is noted that the two different pairs of sliding elements (first/second 8 & 13) (third/fourth 7 & 12) and the snap-in connection are required because the lamp body of Gokuritsu is connected upwards into the opening (5) of the structural part (2). If this application was for a horizontal connection, then the second pair (7 & 12) would not be needed to hold the frame prior to sliding the first pair together. In operation, the lamp body (1) of Gokuritsu is inserted upwards into the opening (5) of the structural part (2) snapping the nail means (12) against the rim (5b) of the opening, thus engaging the edge (7). The nail means is then allowed to slide along the edge while holding the weight of the lamp body and while compressing the body part and decorative material (4) against the structural part. During this sliding motion is when the first and second sets of sliding elements (8 & 13) engage each other, locking together the frame to the structural part. At the final position, the snap-in connection (6 & 11) keeps the frame in position.

In regards to claim 11, the first set of sliding elements are arranged in the plane and comprise a first set of three sliding elements; and the second set of sliding elements comprise a second set of three sliding elements.

In regards to claims 7 & 18, the snap-in connection is reversibly removable.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the sun visor of Crotty, III, to employ a sliding engagement means and snap-in connection for attaching a frame to the structural part, as taught by Gokuritsu.

The suggestion/motivation for doing so would have been to employing sliding engagement means in both the attachment of the body part to the structural part and the attachment of the mirror frame to the structural part and to employ a snap-in connection to



ensure that the frame does not slide without manual initiation by an operator, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the sun visor of Crotty, III by attaching a mirror frame by a sliding engagement means to obtain the invention as specified in claims 1, 11 & 14, as taught by the prior references' motivation, and not hindsight from the Applicants' disclosure.

### ***Response to Arguments***

7. Applicants' arguments with respect to claims 1, 7, 11, 14 & 18 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicants' arguments filed 07AUG09 have been fully considered but they are not persuasive. The Applicants argue on page 10 that the engagement of the mounting means (13) to the third engagement part (8) of Gokuritsu would not lock the frame to a structural part at least relative to a movement perpendicular to a plane in which the sliding elements are configured to slide. The Examiner disagrees. The Applicants continue to argue that, in fact, the nail means (12) are used to lock the lamp body (1) to the skeletal member (2) relative to a movement perpendicular to a plane in which the third engagement means slides (8) relative to the mounting means (13). They also argue that the third engagement means deforms. This is a wrong understanding of Gokuritsu. The third engagement means do not deform, rather they force the mounting means to compress the roof liner tight against the skeletal member. When the lamp body is in its final position (i.e. the snap-in connection is set), the nail means (12) is no longer touching the rim (5b) edge (7). The edge is only employed during the initial insertion to hold the

lamp body prior to the sliding motion. The sliding motion causes the mounting means to contact the third engagement means, slide up the face of the engagement means, and then reach their final position above the non-deformed engagement means. This final position can best be seen in Figure 3, wherein the nail means (12) is shown risen off of the edge (7) due to the mounting means (13) resting atop the non-deformed third engagement means (8).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is (571) 272-6657. The examiner can normally be reached on Mon-Fri (10:00-7:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul A. Chenevert/  
Examiner, Art Unit 3612

Paul A. Chenevert  
Examiner  
Art Unit 3612

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